

AMENDED IN ASSEMBLY APRIL 3, 2014

AMENDED IN ASSEMBLY MARCH 25, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 1961

Introduced by Assembly Member Eggman
(Principal coauthor: Senator Wolk)

February 19, 2014

An act to ~~amend Section 56668 of,~~ to add Section 65040.15 to, and to add Article 10 (commencing with Section 65550) to Chapter 3 of Division 1 of Title 7 of, the Government Code, relating to land use.

LEGISLATIVE COUNSEL'S DIGEST

AB 1961, as amended, Eggman. Land use: planning: sustainable farmland strategy.

(1) Existing law requires the legislative body of each county and city to adopt a comprehensive, long-term general plan for the physical development of the county or city with specified elements, including, among others, a land use element that designates the proposed general distribution and general location and extent of the uses of the land for housing, business, industry, open space, including agriculture, natural resources, recreation, and enjoyment of scenic beauty, education, public buildings and grounds, solid and liquid waste disposal facilities, and other categories of public and private uses of land. Existing law authorizes a local agency to charge fees for the funding of purposes that include the preparation and revision of land use plans and policies.

This bill would require each county ~~with significant agricultural land resources, as defined,~~ to also develop, on or before January 2, 2018, a sustainable farmland strategy. The bill would require the sustainable

farmland strategy to include, among other things, a map and inventory of all agriculturally zoned land within the county, a description of the goals, strategies, and related policies and ordinances, to retain agriculturally zoned land where practical and mitigate the loss of agriculturally zoned land to nonagricultural uses or zones, and a page on the county's Internet Web site with the relevant documentation for the goals, strategies, and related policies and ordinances, as specified. The bill would exempt any county with less than 4% of its land use base in agriculture, as specified. By increasing the duties of local officials, this bill would impose a state-mandated local program.

(2) Existing law establishes in the Office of the Governor the Office of Planning and Research with duties that include developing and adopting guidelines for the preparation of and content of mandatory elements required in city and county general plans.

This bill would require the Office of Planning and Research, when it adopts its next edition of general plan guidelines, to include best practices that support agricultural land retention and mitigation, as specified.

~~(3) Existing law, the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, provides the authority and procedures for the initiation, conduct, and completion of changes of organization and reorganization of cities and districts. The act requires the local agency formation commission to consider various factors in a petition for a change of organization or reorganization, including, among others, the effect of the proposal on maintaining the physical and economic integrity of agricultural lands.~~

~~This bill would additionally require the local agency formation commission to consider a sustainable farmland strategy, if one has been developed. By increasing the duties of local officials, this bill would impose a state-mandated local program.~~

~~(4)~~

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.

State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares all of the
2 following:

3 (a) California is the nation's leader in food production and
4 contributes significantly to our food security.

5 (b) California agricultural production depends on soil, water,
6 and climate conditions found in one of only five Mediterranean
7 growing regions on Earth.

8 (c) California agriculture is vulnerable to the impacts of global
9 warming, including constrained water resources, increases in
10 extreme weather events, and rising sea levels.

11 (d) California agriculture is also positioned to provide climate
12 benefits by reducing greenhouse gas emissions. Research funded
13 by the California Energy Commission's Public Interest Energy
14 Research (PIER) program found that an acre of urban land emits
15 70 times more greenhouse gas emissions than an acre of irrigated
16 crop land.

17 (e) California's growing population places additional demands
18 on both our food supply and on the development of agricultural
19 land for nonagricultural purposes. Over the past 30 years, an
20 average of approximately 30,000 acres of California agricultural
21 land is permanently converted to nonagricultural uses annually.

22 (f) The conservation of a maximum amount of the limited supply
23 of California's agricultural land is necessary for the maintenance
24 of the agricultural economy of the state, climate change mitigation,
25 enhancement of the state's natural resources and the assurance of
26 an adequate, healthy and nutritious food supply for the residents
27 of this state and nation.

28 (g) California's statewide land use planning priorities include
29 the goal of protecting, preserving, and enhancing the state's most
30 valuable natural resources, including working landscapes such as
31 farm, range, and forest lands.

32 (h) Counties have jurisdiction over the majority of the state's
33 agricultural land and play a vital role in regulating the use of land,
34 including the conservation of agricultural lands through appropriate
35 zoning and planning activities, as well as determinations of the
36 potential environmental impacts of proposed land use changes.
37 When farmland is converted to nonagricultural uses, agricultural

1 conservation easements can constitute feasible mitigation to lessen
2 impacts on local and regional agricultural resources.

3 (i) It is the intent of the Legislature to ~~assure~~ *ensure* that counties
4 recognize that farmland is a limited and valuable resource which
5 must be conserved wherever possible. It is also the intent of the
6 Legislature to ~~assure~~ *ensure* that counties with significant
7 agricultural land resources prepare and carry out a sustainable
8 farmland strategy, which along with state and regional programs,
9 will protect, preserve, and enhance the state's agricultural lands.

10 (j) Certain actions by ~~local~~ *lead* agencies, including those to
11 protect natural resources and the environment, have been identified
12 by the Office of Planning and Research as classes of projects that
13 do not have a significant effect on the environment, and are
14 therefore not subject to the California Environmental Quality Act.
15 The adoption of a sustainable farmland strategy would be
16 considered to be an action to protect natural resources or the
17 environment.

18 ~~SEC. 2. Section 56668 of the Government Code is amended~~
19 ~~to read:~~

20 ~~56668. Factors to be considered in the review of a proposal~~
21 ~~shall include, but not be limited to, all of the following:~~

22 (a) ~~Population and population density; land area and land use;~~
23 ~~per capita assessed valuation; topography, natural boundaries, and~~
24 ~~drainage basins; proximity to other populated areas; the likelihood~~
25 ~~of significant growth in the area, and in adjacent incorporated and~~
26 ~~unincorporated areas, during the next 10 years.~~

27 (b) ~~The need for organized community services; the present~~
28 ~~cost and adequacy of governmental services and controls in the~~
29 ~~area; probable future needs for those services and controls; probable~~
30 ~~effect of the proposed incorporation, formation, annexation, or~~
31 ~~exclusion and of alternative courses of action on the cost and~~
32 ~~adequacy of services and controls in the area and adjacent areas.~~

33 ~~"Services," as used in this subdivision, refers to governmental~~
34 ~~services whether or not the services are services which would be~~
35 ~~provided by local agencies subject to this division, and includes~~
36 ~~the public facilities necessary to provide those services.~~

37 (c) ~~The effect of the proposed action and of alternative actions,~~
38 ~~on adjacent areas, on mutual social and economic interests, and~~
39 ~~on the local governmental structure of the county.~~

1 ~~(d) The conformity of both the proposal and its anticipated~~
2 ~~effects with both the adopted commission policies on providing~~
3 ~~planned, orderly, efficient patterns of urban development, and the~~
4 ~~policies and priorities in Section 56377.~~

5 ~~(e) The effect of the proposal on maintaining the physical and~~
6 ~~economic integrity of agricultural lands, as defined by Section~~
7 ~~56016.~~

8 ~~(f) The definiteness and certainty of the boundaries of the~~
9 ~~territory, the nonconformance of proposed boundaries with lines~~
10 ~~of assessment or ownership, the creation of islands or corridors of~~
11 ~~unincorporated territory, and other similar matters affecting the~~
12 ~~proposed boundaries.~~

13 ~~(g) A regional transportation plan adopted pursuant to Section~~
14 ~~65080, and its consistency with city or county general and specific~~
15 ~~plans.~~

16 ~~(h) The sphere of influence of any local agency which may be~~
17 ~~applicable to the proposal being reviewed.~~

18 ~~(i) The comments of any affected local agency or other public~~
19 ~~agency.~~

20 ~~(j) The ability of the newly formed or receiving entity to provide~~
21 ~~the services which are the subject of the application to the area,~~
22 ~~including the sufficiency of revenues for those services following~~
23 ~~the proposed boundary change.~~

24 ~~(k) Timely availability of water supplies adequate for projected~~
25 ~~needs as specified in Section 65352.5.~~

26 ~~(l) The extent to which the proposal will affect a city or cities~~
27 ~~and the county in achieving their respective fair shares of the~~
28 ~~regional housing needs as determined by the appropriate council~~
29 ~~of governments consistent with Article 10.6 (commencing with~~
30 ~~Section 65580) of Chapter 3 of Division 1 of Title 7.~~

31 ~~(m) Any information or comments from the landowner or~~
32 ~~owners, voters, or residents of the affected territory.~~

33 ~~(n) Any information relating to existing land use designations.~~

34 ~~(o) The extent to which the proposal will promote environmental~~
35 ~~justice. As used in this subdivision, "environmental justice" means~~
36 ~~the fair treatment of people of all races, cultures, and incomes with~~
37 ~~respect to the location of public facilities and the provision of~~
38 ~~public services.~~

39 ~~(p) A sustainable farmland strategy, if one has been developed~~
40 ~~pursuant to Section 65551.~~

1 ~~SEC. 3.~~

2 *SEC. 2.* Section 65040.15 is added to the Government Code,
3 to read:

4 65040.15. ~~(a)~~—The Office of Planning and Research, when it
5 adopts its next edition of general plan guidelines pursuant to
6 Section 65040.2, shall include best practices that support
7 agricultural land retention and mitigation, including, but not limited
8 to, the following:

9 ~~(1)~~

10 (a) Right to farm ordinances with real estate disclosure.

11 ~~(2)~~

12 (b) Farmland mitigation ordinances.

13 ~~(3)~~

14 (c) Conservation easement purchase programs.

15 ~~(4)~~

16 (d) Economic incentives to promote local agriculture.

17 ~~(5)~~

18 (e) Use of zoning to prevent nuisances and land use conflicts,
19 and to promote commercial agriculture by limiting parcelization
20 of agricultural lands.

21 ~~(6)~~

22 (f) Urban growth boundaries in coordination with incorporated
23 jurisdictions.

24 ~~(7)~~

25 (g) Locally adopted thresholds of significance for California
26 Environmental Quality Act (Division 13 (commencing with Section
27 21000) of the Public Resources Code) review for conservation of
28 grazing lands and farmland of local importance, in addition to
29 existing thresholds for conversion of prime farmland, unique
30 farmland, and farmland of statewide importance.

31 ~~(b) The Office of Planning and Research shall include in their~~
32 ~~next update of the General Plan Guidelines recommendations on~~
33 ~~the role of local agency formation commissions in the preservation~~
34 ~~of agriculturally zoned lands when considering annexations of~~
35 ~~agriculturally zoned lands into cities and service extensions onto~~
36 ~~agriculturally zoned lands.~~

37 ~~SEC. 4.~~

38 *SEC. 3.* Article 10 (commencing with Section 65550) is added
39 to Chapter 3 of Division 1 of Title 7 of the Government Code, to
40 read:

Article 10. Sustainable Farmland Strategy

65550. For the purposes of this article, the term “agriculturally zoned land” means land that is determined by a county to be designated in agriculture as the primary purpose or use of the zone.

65551. (a) The board of supervisors of any county other than a county described in subdivision (e), shall develop a sustainable farmland strategy.

(b) (1) The sustainable farmland strategy shall include all of the following:

(A) A map and inventory of all agriculturally zoned lands within the county as of February 21, 2014. A county may use the county-level maps of agricultural land developed by the Farmland Mapping and Monitoring Program of the Department of Conservation, general plan maps, or other available local and state maps and resources.

(B) A description of the goals, strategies, and related policies and ordinances to retain agriculturally zoned land, where practical, and mitigate the loss of agriculturally zoned lands to nonagricultural uses or nonagricultural zones.

(C) A page on the county’s Internet Web site that assembles all of the relevant documentation for the goals, strategies and related policies, and ordinances, as described in subparagraphs (A) and (B), as well as reporting on the manner of compliance with this article as required by subdivision (f). The board of supervisors shall also include, on the Internet Web site, a table and map showing the location of lands enrolled in the California Land Conservation Act of 1965, also known as the Williamson Act (Article 1 (commencing with Section 51200) of Chapter 7 of Part 1 of Division 1 of Title 5).

(2) The board of supervisors of each county shall consult with ~~cities located within their boundaries, and with their~~ *the local agency formation commission, commission and the cities within county boundaries* on the development of the sustainable farmland strategy for that county to ~~assure~~ *ensure* that the plans and policies of the cities and *the* local agency formation commission are taken into consideration and are ~~compatible to the maximum extent feasible.~~ *compatible.*

(c) A county may comply with ~~the requirements of~~ this article by relying on existing inventories and maps of agricultural lands,

1 and existing goals, strategies, and related policies and ordinances
2 that substantially comply with ~~the provisions of~~ subdivision (b).
3 Any county complying under this subdivision shall summarize
4 and incorporate by reference on the county's Internet Web site,
5 *site* a description of how each requirement of this subdivision has
6 been met.

7 (d) The board of supervisors shall update the sustainable
8 farmland strategy as determined to be necessary by the board of
9 supervisors.

10 (e) Any county with less than 4 percent of its land base in
11 agriculture, as determined by the most recent Census of Agriculture
12 by the United States Department of Agriculture, is exempt from
13 this article.

14 (f) On or before January 1, 2018, each county shall affirm
15 compliance with this article by one of the following means:

16 (1) Developing and adopting a sustainable farmland strategy
17 consistent with subdivision (b).

18 (2) Adopting a resolution finding that the existing county goals,
19 policies and ordinances have a functionally equivalent strategy
20 that meets the requirements of subdivision (b), pursuant to
21 subdivision (c).

22 (3) Adopting a resolution finding that the county's agricultural
23 land resources do not meet the threshold described in subdivision
24 (e), and that the county is not required to develop a sustainable
25 farmland strategy.

26 ~~SEC. 5.~~

27 *SEC. 4.* No reimbursement is required by this act pursuant to
28 Section 6 of Article XIII B of the California Constitution because
29 a local agency or school district has the authority to levy service
30 charges, fees, or assessments sufficient to pay for the program or
31 level of service mandated by this act, within the meaning of Section
32 17556 of the Government Code.